

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	OUT/2018/3099
<b>Site:</b>	Land adjacent to the Brindles Pickford Green Lane CV5 9AP
<b>Ward:</b>	Bablake
<b>Proposal:</b>	Outline application for the erection of three dwellings (all matters except access reserved)
<b>Case Officer:</b>	Ayesha Saleem

### **SUMMARY**

The application is outline with means of access submitted to be considered. All other matters relating to appearance, landscaping, layout and scale are reserved for later consideration. The principle of development is considered to be unacceptable as the proposal is considered to have a detrimental impact upon the openness and character of the Green Belt.

## BACKGROUND

The application has been recommended for refusal. The application has more than five representations, in which have been in support of the application.

## KEY FACTS

<b>Reason for report to committee:</b>	There has been more than five representations.
<b>Current use of site:</b>	The site is rural open space.

## RECOMMENDATION

Planning committee are recommended to refuse planning permission

## REASON FOR DECISION

- The principle of development is considered to be unacceptable. The proposal is considered to have a detrimental impact upon the openness and character of the Green Belt.
- The proposal does not accord with Policy DE1, DS3, GB1, H3 of the Coventry Local Plan 2016, together with the aims of the National Planning Policy Framework (NPPF), in particular paragraph 145 and 146.

## APPLICATION PROPOSAL

The application has been submitted in outline form with only the means of access to be considered. All other matters relating to appearance, landscaping, layout and scale are reserved for later consideration. The application seeks consent for the erection of three dwellings. An indicative plan has been submitted which submitted which demonstrates how one bungalow and two semi-detached properties can be accommodated within the site

## SITE DESCRIPTION

The application site is a plot of land located towards the northwest side of Pickford Green Lane adjacent to its junction with Pickford Grange Road. It is a rectangular shaped plot of land situated between clusters of ribbon development fronting Pickford Green Lane.

The site is located on a higher level to Pickford Green Lane and boundaries are formed by mature trees and hedging. The site is located within the Green Belt and is in the Ancient Arden Historic Landscaped area and rural in character.

Pickford Green Lane is connected to the A45 from the westbound side and the other end of Pickford Green is connected to Hockley Lane/Upper Eastern Green Lane.

## PLANNING HISTORY

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
OUT/2015/2742	Outline application for residential development of 4 bungalows with access off Pickford Green Lane	Refused- 16/11/2015 and Dismissed at appeal.

	(design, layout and landscaping are reserved)	
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## **POLICY**

### **National Policy Guidance:**

National Planning Policy Framework (NPPF). The new NPPF published on 24 July 2018 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The new NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means "approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The site falls within the Green Belt therefore Section 13 of the NPPF (Protecting Green Belt Land) is relevant. Paragraph 133 states that "The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 134 sets out the purposes of the Green Belt:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 states local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt with certain exceptions. Paragraphs 145 and 146 include a 'closed' list of the types of development which should be regarded as not inappropriate within the Green Belt.

In relation to design and residential amenity section 12 of the NPPF seeks to ensure the creation of high quality buildings and places and that good design is a key aspect

of sustainable development. Paragraph 127 of the NPPF states that “planning policies and decisions should ensure that developments function well and add to the overall quality of an area, are visually attractive, sympathetic to the local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users”. Paragraph 130 states, “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

The National Planning Practice Guidance (NPPG) 2018, this adds further context to the NPPF and it is intended that the two documents are read together.

### **Local Policy Guidance**

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application are:

- DE1 – Ensuring High Quality Design;
- DS3 – Sustainable Development;
- H3 – Provision of new housing;
- H5 – Managing Existing Housing Stock;
- AC2 – Road network;
- GB1 – Green Belt and Local Urban Green Space;
- GB2 – Reserved land in the Green Belt;
- GE3 – Biodiversity, Geological, Landscape and Archaeological Conservation;

### **Supplementary Planning Guidance/ Documents (SPG/ SPD):**

SPG Design Guidance for New Residential Development

### **STATUTORY CONSULTATION RESPONSES**

Environmental Protection – No objections subject to condition in relation to Air Quality.  
Highways – No objection  
Planning Policy- Objection  
West Midlands Fire Services- No objection  
Trees- No objections subject condition in relation to Tree Protection Plan and Landscape Plan  
Ecology- Further information requested

### **PUBLIC RESPONSES**

Notification letters were sent out to adjoining neighbouring houses and two site notice was displayed on 5<sup>th</sup> December 2018.

Fourteen letters of support have been received and two letters of objection raising the following material planning considerations:

- a) The site is within Green Belt.
- b) Pickford Green Lane is a buffer to this new development of the SUE.
- c) This application has been previously been rejected and nothing has changed presumably the same assessment principles will apply.
- d) The Green Belt has been significantly reduced, therefore deserves even greater protection.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- a) Disruption to be caused on Pickford Green Lane by the SUE.

Any further comments received will be reported within late representations.

## **APPRAISAL**

### **Principle of Development:**

The key issues to consider in relation to this application is the principle of development and impact on the green belt and suitability of the access.

Paragraph 143 of the NPPF sets out that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 145 goes on to further state that the local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with a number of exceptions, these exceptions form a ‘closed list’ as established by case law.

National Planning Policy Framework (NPPF) 2018 Paragraph 145 provides a clear guidance in this regard and indicates the types of development which are exceptions and could be appropriate development in the Green Belt. These are below:

- a) Buildings for agriculture and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy GB1 of the Coventry Local Plan states In addition to appropriate development in the Green Belt identified in the NPPF, limited infill development would be considered appropriate. Any proposal in these locations will be expected to be of an appropriate density to reflect surrounding properties should not impact negatively on the openness and character of the wider Coventry Green Belt and will also need to accord with Policy H3.

The site is intrinsically rural and open and blends into the wider agricultural setting of Pickford Green Lane. The site is located in an area of sporadic roadside development rather than a settlement with the characteristic of a village. Furthermore the site constitutes a broad gap between the Brindles and the ribbon development that addresses the line of Pickford Green Lane to the north-west. The sloping level of the lane and difference in character between the bungalows and the Brindles, combined with the size of the gap, mean that this is somewhat sporadic development pattern does not read as a continuous street scene. It is therefore considered that the proposal would not constitute “limited infilling” for the purposes of the framework. The Inspector also concurred with this view in the appeal decision in July 2016.

The proposed development for the erection of three dwellings would be considered an inappropriate development in the Green Belt having regard to the NPPF and GB1. The proposal does not fall within any of the above categories.

NPPF and Policy GB1 of the Local plan advise that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has submitted a Planning Statement with the application which sets out justifications for the proposed development. These are summarised as follows:

- The adoption of the Local Plan will see the agricultural site opposite developed for the Eastern Green Sustainable Urban Extension. Thus the site will no longer have a wider agricultural setting. This will mean the proposals will no longer be read as a sporadic roadside development but as a settlement with the characteristics of a village.
- The design has been addressed so that only three dwelling are now proposed which will continuous street frontages opposite to the SUE. The footprint of the dwellings are to be similar to the neighbouring properties. The reduction in the number of houses will also reduce the amount of associated boundary treatment, ancillary buildings and will remain more of an open site compared to the previous proposal for four dwellings.

The applicant has submitted no special circumstances as part of this application to outweigh the harm of the development. The applicant has sited the Eastern Green SUE as a justification for the proposal. The Eastern Green SUE has been identified as an allocation for housing through the Local Plan examination process and adopted accordingly. The Eastern Green SUE site is longer considered as green belt. The principle of development as part of the SUE has been established. The application site does not fall within the Eastern Green SUE boundary it is within Green Belt therefore

it must be considered under Green Belt policies. Furthermore Policy DS4 (Part D) states that the new defensible boundaries to the Green Belt are clearly supported to Pickford Green Lane in the west and the A45 to the north. Therefore the application site is entirely separate and bears no relationship to the Eastern Green SUE.

The circumstances provided by the applicant do not override concerns regarding the openness and appearance of the Green Belt due to its access, which would develop a large and prominent open field in the Green Belt and would remove its openness permanently. Therefore, it is considered that the proposal would undermine the aims and objective of Green Belt policies completely.

#### Openness of the Green Belt and Character of the Area:

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

Paragraph 127 of the NPPF states 'Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

The existence of ribbon development along both sides of the proposed development site does not justify filling the gaps with houses and does not outweigh the harm; rather it would be considered as urban sprawl and not only contrary to the fundamental aim of the Green Belt Policy but also would be a harmful precedent in the Green Belt. The appeal decision states 'The appeal site is intrinsically rural and open and blends into the wider agricultural setting of Pickford Green Lane. The site is located in an area of sporadic roadside development rather than a settlement with the characteristics of a village. Furthermore, the site constitutes a broad gap between the Brindles and the ribbon development that addresses the line of Pickford Green Lane to the north-west. The sloping level of the lane and difference in character between the bungalows and The Brindles, combined with the size of the gap, mean that this somewhat sporadic development pattern does not read as a continuous street scene. Taken together these considerations lead me to the conclusion that the proposal would not constitute "limited infilling" for the purposes of the Framework.' Although the applicant has reduced the number of dwellings from 4 to 3, the site would not be considered to be acceptable and would still not constitute limited infilling.

The Inspector in dismissing the appeal on this site stated "The appeal scheme would introduce a substantial amount of development onto the site, in terms of the proposed houses, their ancillary buildings, boundary treatments and hard-standing. As such the proposal would constitute a permanent loss of openness that would be harmful to the Green Belt". Whilst the applicant has reduced the number of dwellings from 4 to 3 all the elements associated with the dwellings mentioned above will still result in the permanent loss of openness. The harm is clearly not outweighed by other considerations and therefore is contrary to Policies DE1 and GB1 of the Coventry Local Plan 2016.

The proposal is likely to result in a net loss to biodiversity in the area which is contrary to NPPF. The Council's Ecologist has recommended that a preliminary ecological assessment needs to be carried out in order to assess the ecological value of the site and also to inform any additional surveys that might be necessary. This should be carried out prior to determination by an appropriately qualified ecologist. No assessment has been carried out to date, and given the unacceptability of the proposal in principle; this matter has not been pursued any further. This information had not been submitted in the previous application. However, at this point in time, the submitted information fails to adequately demonstrate that the appropriate mitigation and compensatory measures would be undertaken to conserve and enhance the biodiversity of this rural and Ancient Arden historic landscape area and therefore, the proposed development would be contrary to Policy GE3 of the Coventry Local Plan 2016.

Policy H3 of the Local Plan states that new development must provide a high quality residential environment which assists in delivering urban regeneration or creating sustainable communities and which overall enhances the built environment. A suitable residential environment includes safe and appropriate access; adequate amenity space and parking provision and be safe from pollution. Paragraph 4 of Policy H3 states 'Wherever possible new developments should also be:

- a) within 2km radius of local medical services;
- b) within 1.5km of a designated centre within the city hierarchy (policy R3);
- c) within 1km radius of a primary school;
- d) within 1km of indoor and outdoor sports facilities; and
- e) within 400m of a bus stop
- f) within 400m of publicly accessible green space.'

The applicant has not provided sufficient justification in regards to how the proposal would satisfy Policy H3.

The development would not have any demonstrable impact on adjoining properties in terms of amenity and outlook; therefore the main issues are whether or not the proposal constitutes inappropriate development in the Green Belt and the buildings effects upon the openness of the Green Belt.

#### Trees:

Sitting within the Green Belt and Ancient Arden Historic Landscaped Area the site is an open field bounded by a mixture of mature hedgerow and to the rear there are open fields with hedgerows and mature trees. The Tree Officer has recommended a Tree Protection Plan and Landscape Plan be submitted. This can be submitted under a reserved matters application and requested by a suitably worded condition. These would be required to ensure the trees are protected.

#### Access and highway safety:



Policy AC2 requires that safe and appropriate access to the highway system together with satisfactory on site arrangements for vehicle manoeuvring so as to ensure safety for all users.

The proposed access is for two access points off Pickford Green Lane and parking. This would result in hardstanding which would constitute in permanent loss of openness that would be harmful to the Green Belt. The proposals parking provisions appear satisfactory. It is not considered the proposal would have demonstrable impact on the nearby highways in terms of free flow of traffic and highway safety. The Highways Officers have raised no objection to the proposal.

#### Other matters:

The neighbours comment in regards to the disruption to be caused on Pickford Green Lane by the SUE is not a material planning consideration as it does not relate to this site.

Many of the letters in support relate to the Eastern Green SUE, good use of land, it is to be situated close to residential and security being improved if the land is developed. The comment in relation good use of land has been addressed above. The other comments are not considered to be material planning considerations.

### **CONCLUSION**

The proposal is not considered to be limited infill within the Green Belt and therefore is inappropriate and harmful by definition. The previous comments of the inspector's decision have not been overcome concerning this and the loss of openness. The proposal does not demonstrate any very special circumstances to warrant an exception. The proposal fails to adequately demonstrate that the appropriate mitigation and compensatory measures would be undertaken to conserve and enhance the biodiversity of this rural and Ancient Arden historic landscape area. Therefore the proposed three dwellings are considered to be unacceptable and are to have a detrimental impact upon the openness and character of the Green Belt. The proposal does not accord with Policy DE1, GB1, H3 and GE3 of the Coventry Local Plan 2016, together with the aims of the National Planning Policy Framework (NPPF), in particular paragraph 143 and 145.

### **CONDITIONS/ REASON**

1. The application site lies within the Green Belt and Ancient Arden Historic Landscape where strict policies of restraint apply. This outline application proposes three dwellings and associated development within a large and elevated, open and undeveloped plot of land, which would be conspicuous and cause serious harm to the Green Belt because it: -
  - i) is inappropriate;
  - ii) diminishes openness;
  - iii) conflicts with the purpose of including land in the Green Belt by encroaching upon the countryside, extending urban sprawl, and is harmful to the maintenance of its character; whilst failing to contribute to the

achievement of any of the objectives for the use of land in the Green Belt. There are no special circumstances have been put forward to justify the proposal in order to outweigh the harm which would be caused by the proposal. In consequence the application is contrary to Policy GB1 and H3 of the Coventry Local Plan 2016 and the aims and guidance contained within the National Planning Policy Framework 2018 and is not justified by any other material considerations.

2. The proposed development would be contrary to Policy GE3 of the Coventry Local Plan 2016 and the advice contained within National Planning Policy Framework in that the submitted information fails to adequately demonstrate that the appropriate mitigation and compensatory measures would be undertaken to conserve and enhance the biodiversity of this rural and Ancient Arden historic landscape area.